



# House of Representatives

General Assembly

**File No. 562**

*January Session, 2001*

Substitute House Bill No. 6947

*House of Representatives, May 2, 2001*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING THE ADVISEMENT TO CRIME VICTIMS OF THEIR CONSTITUTIONAL RIGHTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       (NEW) In order to ensure that any victim coming before the court  
2       has been advised of the victim's constitutional rights, any judge of the  
3       Superior Court shall, at the daily commencement of the regular  
4       criminal docket at which accused persons are arraigned, issue the  
5       following advisement: "If you are a victim of a crime with a case  
6       pending before this court, you are advised that you have the right: (1)  
7       To be treated fairly and with respect throughout the criminal justice  
8       process; (2) to timely disposition of the case; (3) to be protected from  
9       the accused; (4) to be notified of and attend court proceedings; (5) to  
10      speak with the prosecutor; (6) to object or support any plea agreement;  
11      (7) to make a statement to the court before the court accepts a plea  
12      agreement and at sentencing; (8) to restitution; and (9) to information  
13      about the arrest, conviction, sentence, imprisonment and release of the  
14      accused".

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Affected Agencies:** Judicial Department

**Municipal Impact:** None

**Explanation****State Impact:**

The bill would slow court processing to a minimal degree but is not anticipated to result in a fiscal impact. There are over 200,000 arraignments per year.

**OLR Bill Analysis**

sHB 6947

***AN ACT CONCERNING THE ADVISEMENT TO CRIME VICTIMS OF THEIR CONSTITUTIONAL RIGHTS.*****SUMMARY:**

This bill requires Superior Court judges to advise crime victims with cases pending before the court of so-called "crime victims' constitutional rights" daily at the start of arraignment. (Since the state, not individuals, files all criminal cases, the requirement presumably applies when victims attend the criminal arraignment of defendants who victimized them). The bill specifies that the advisement is to ensure that victims coming before the court know their rights.

EFFECTIVE DATE: October 1, 2001

**FORM OF ADVISEMENT**

The advisement must be in the following form:

"If you are a victim of a crime with a case pending before this court, you are advised that you have the right to:

1. be treated fairly and with respect throughout the criminal justice process;
2. timely disposition of the criminal case;
3. be protected from the accused;
4. be notified of and attend court proceedings;
5. speak with the prosecutor;
6. object or support any plea agreement;
7. make a statement to the court before the court accepts a plea agreement and at sentencing;

8. restitution; and
9. information about the arrest, conviction, sentence, imprisonment, and release of the accused.”

## **BACKGROUND**

### ***Crime Victim Constitutional Amendment***

Article 29 of the state constitution gives crime victims the right to:

1. be treated with fairness and respect and be protected from the accused throughout the criminal justice process;
2. notification of court proceedings and information about the arrest, conviction, sentence, imprisonment, and release of the accused;
3. communicate with prosecutors and attend all criminal proceedings, including the trial, unless the court determines that their impending trial testimony would be materially affected if they heard other testimony;
4. object to or support any plea agreement entered into by the accused and the prosecution, make a statement to the court before it accepts any plea agreement, and make a statement to the court at sentencing;
5. timely disposition of the criminal case following arrest, provided the accused's rights are not abridged; and
6. restitution, enforceable in the same manner as any other cause of action or as otherwise provided by law.

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 36      Nay 0

